

Exhibit C

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MICHAEL VAUGHAN,

Plaintiff,

v.

Civil Action File No: _____

IMPLUS FOOTCARE, LLC,

Defendant.

DECLARATION OF BARBARA ANNE MARSCHALK

Pursuant to 28 U.S.C. § 1746, I, Barbara Anne Marschalk, do hereby declare under penalty of perjury that the following is true and correct:

1.

My name is Barbara A. Marschalk, and I am an equity partner with the law firm of Drew Eckl & Farnham, LLP. I have defended cases involving allegations of bodily injury, pain and suffering and special damages for 25 years.

2.

I am competent to make this Declaration, am suffering from no legal disabilities, and make this Declaration of my own personal knowledge and with the knowledge and intent that same be used in support of removal of this matter.

3.

In this product liability lawsuit, Plaintiff alleges that his left eye sustained severe laceration and that he is “permanently blind in his left eye.” (See Exhibit “A” to Notice of Removal; Plaintiff’s Complaint, ¶ 12) Plaintiff is seeking damages for “all actual damages, consequential damages, economic damages, non-economic damages, lost wages, lost earning capacity, mental anguish, emotional distress, [and] pain and suffering”. (Exh. A. to Notice of Removal, ¶¶ 19, 27 and 35).

4.

While liability is disputed, and Defendant reserves the right to contest Plaintiff’s damage claims, in my judgment there is more than \$75,000 that is in controversy in this lawsuit. Based on my experience, if Plaintiff prevails on all of his claims, a permissible award would not be less than \$75,000, exclusive of interests and costs.

5.

Implus Footcare, LLC is a foreign LLC with a principal office address in Durham, North Carolina. Its sole member, Implus LLC, is a foreign LLC.

6.

Implus LLC’s sole member, IHC Intermediate Holding LLC, is a foreign

LLC.

7.

IHC Intermediate Holding LLC's sole member, IHC Holding Corp., is a Delaware corporation with a principal office address in Durham, North Carolina. Therefore, there is complete diversity between the parties.

Executed on this 15th day of December, 2023.

A handwritten signature in black ink, appearing to read 'B. Marschalk', written over a horizontal line.

Barbara A. Marschalk
Georgia Bar No. 324498

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